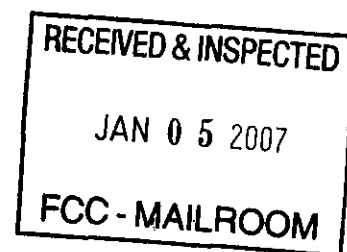


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3131 Princeton Pike
 Building #4, Suite #214
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 Tel: (609) 896-3111
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 www.jingoli.com

To: Federal Communications Commission	From: Damien J. Doguet
Fax: (202) 418-0187	Pages: 5 including fax cover
Phone: N/A	Date: January 5, 2007
Re: Request for Review	CC: 26811 file
CC Docket No. 02-6 and 96-45	

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

To Whom It May Concern:

Attached is a "Request for Review" of a USAC decision on appeal of our FY2005 Form 471 Application No. 475364 for the Vineland Community Demonstration School.

I've also attached the USAC "Administrator's Decision on Appeal - Funding Year 2005-2006" letter dated 11/8/06 for your reference.

Should you have any questions, please contact me immediately at (609) 896-3111 ext. 130.

Thank You.

Damien J. Doguet

MEP Project Manager

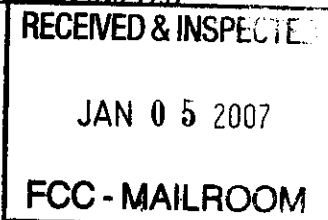
FAX COVER SHEET

Tel: 609-896-3111

Fax: 609-896-1131



3131 Princeton Pike, Building #4, Suite 214
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January 5, 2007

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: Request for Review
CC Docket No. 02-6 and 96-45
Vineland Community Demonstration School (Form 471 Application No.: 475364)

To Whom It May Concern:

Joseph Jingoli & Son, Inc. (JJS), the Billed Entity (Billed Entity No.: 16027158) for the referenced Form 471 Application number, respectfully requests the Federal Communications Commission to review a decision on appeal made by the Universal Service Administrative Company (USAC) in the letter attached herewith.

Events Leading up to this Appeal

Being the contact person for the referenced Form 471 Application, I was contacted by Mr. Tim Curtin, Initial Reviewer, Program Integrity Assurance for the SLD, on 4/11/06 to discuss our Form 471 Application. During the course of our conversation, I explained to Mr. Curtin that construction of the new Vineland Community Demonstration School, in which the "Internal Connections" applied for in the referenced Form 471 Application will be installed, had just started, and it was very unlikely JJS would have any E-Rate eligible products or services to bill for before 6/30/2006, the close of Funding Year 2005.

Mr. Curtin advised me to withdraw our Form 471 Application because we would not have any of the cabling or pathways ("Internal Connections") installed prior to the close of Funding Year 2005.

Immediately following this conversation, I withdrew our Form 471 Application via an e-mail to Mr. Curtin dated 4/11/06. In this e-mail, I referred Mr. Curtin to our Form 471 Application for Funding Year 2006; which we submitted on 2/14/2006, and mistakenly stated that the FY 2006 application was identical to the FY 2005 application.

Shortly after my 4/11/06 conversation with Mr. Curtin, I realized that in our FY 2006 application, we applied only for network electronics, which is the balance of the eligible products/services being provided at the new Vineland Community Demonstration School project. No cabling or pathways, i.e. "Internal Connections" were referenced in this application. Consequently, our new school project cannot receive E-Rate discounts for eligible "Internal Connections" unless the USAC re-activates our Form 471 Application for Funding Year 2005.

Request for Review
Re: CC Docket No. 02-6 and 96-45
January 5, 2007
Page 2

Explanation of the Appeal

We wish to appeal the USAC "Administrator's Decision on Appeal - Funding Year 2005-2006" dated November 6, 2006 because this applicant, Joseph Jingoli & Son, Inc. would like the USAC to re-activate our Form 471 Application (No. 475364). Without re-activation of this application, JJS will not have the opportunity to receive E-Rate discounts for eligible "Internal Connections" for our new Vineland Community Demonstration School project. JJS believes this appeal is reasonable and should be granted for the following reason:

At no time during my 4/11/06 conversation with Mr. Tim Curtin, Initial Reviewer, Program Integrity Assurance for the SLD was I advised that JJS was eligible to have our services extended until September 30, 2007 because a Funding Commitment Decision Letter was not issued by USAC before March 1, 2006. If Mr. Curtin had informed me of my right to this extension, I would not have withdrawn our Form 471 Application for Funding Year 2005-2006 because I knew JJS must have all the cabling and pathways installed prior to September 30, 2007 in preparation for substantial completion of the new Vineland Community Demonstration School currently scheduled for 11/20/2007.

Furthermore, the USAC did not respond to my Form 471 Application until February 23, 2006, approximately fifty-three (53) weeks after my application was submitted and after the Form 471 Application deadline in mid-February of 2006. This prolonged review period afforded me no opportunity to resubmit my FY2006 Form 471 Application before the deadline in mid-February of 2006.

If you have any questions, please do not hesitate to call or e-mail me immediately. I can be reached at (609) 896-3111, ext. 130, and my e-mail address is ddoguet@jingoli.com.

Very truly yours,



Damien J. Doguet
MEP Project Manager

Enclosure

J:/Projects/26811/Correspondence/Misc/26811_FCC-Appeal.L1.doc

Cc: Peter McGlinchy
Dennis Mockaitis
Jeff Winter
Charlie Weaver
Jerry Harlackner
Ben Ashcom
26811 file



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

November 06, 2006

Damien J. Doguet
Joseph Jingoli & Son, Inc.
3131 Princeton Pike, Building #4, Suite 214
Lawrenceville, NJ 08648

Re: Applicant Name: JOSEPH JINGOLI AND SON
Billed Entity Number: 16027158
Form 471 Application Number: 475364
Funding Request Number(s): 1313826, 1314123
Your Correspondence Dated: June 08, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1313826, 1314123
Decision on Appeal: **Denied**
Explanation:

- Upon review of the letter of appeal and the relevant documentation, it is determined that these funding requests were processed correctly by SLD. In an email dated April 11, 2006, you stated that your construction project had just started and that you were unlikely to be able to bill for the services included in application #475364. Therefore you wanted to withdraw this application for FY 05/06. You mentioned in the same email that you would be re-applying for the same services in a FY 06/07 application. In your appeal letter you explained that after you canceled the application, you realized the services were not the same as the FY 06-07 application. Hence, you would like to reactivate the application. This is not allowable under the current program rules. Cancellations of applications made by the appropriate contact person in writing are not reversible.

The applicant has not brought forth any evidence that PIA erred in the cancellation of this application. Consequently, your appeal denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company